

IC ON THE RECORD



DNI Statement on Activities Authorized Under Section 702 of FISA

June 6, 2013

The Guardian and *The Washington Post* articles refer to collection of communications pursuant to Section 702 of the Foreign Intelligence Surveillance Act. They contain numerous inaccuracies.

Section 702 is a provision of FISA that is designed to facilitate the acquisition of foreign intelligence information concerning non-U.S. persons located outside the United States. It cannot be used to intentionally target any U.S. citizen, any other U.S. person, or anyone located within the United States.

Activities authorized by Section 702 are subject to oversight by the Foreign Intelligence Surveillance Court, the Executive Branch, and Congress. They involve extensive procedures, specifically approved by the court, to ensure that only non-U.S. persons outside the U.S. are targeted, and that minimize the acquisition, retention and dissemination of incidentally acquired information about U.S. persons.

Section 702 was recently reauthorized by Congress after extensive hearings and debate.

Information collected under this program is among the most important and valuable foreign intelligence information we collect, and is used to protect our nation from a wide variety of threats.

The unauthorized disclosure of information about this important and entirely legal program is reprehensible and risks important protections for the security of Americans.

James R. Clapper, Director of National Intelligence

Via DNI.gov

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Hearing of the Senate Select Intelligence Committee on Current and Projected National Security Threats to the United States

Chaired by: Senator Dianne Feinstein (D-CA)

Witnesses:

James Clapper, Director of National Intelligence;

John Brennan, Director, Central Intelligence Agency (CIA);

Robert Mueller, Director, Federal Bureau of Investigation (FBI);

Lieutenant General Michael Flynn, Director, Defense Intelligence Agency;

Matthew Olsen, Director, National Counterterrorism Center;

Philip Goldberg, Assistant Secretary of State for Intelligence and Research

SENATOR DIANNE FEINSTEIN (D-CA): The committee will come to order.

We meet today in open session, as we've done since 1994, actually, to hear an unclassified briefing from our intelligence leaders on the threats that face our nation; hence the title the world threat hearing.

As members know, we will immediately follow this session with a closed one. And I'll ask that members refrain from asking questions here that have classified answers.

This hearing is really a unique opportunity to inform the American public, to the extent we can, about the threats we face as a nation and worldwide.

Let me begin by welcoming our witnesses and thanking them for being here. They are the director of national intelligence, Jim Clapper, who will provide the opening statement on behalf of the intelligence community; the director of the CIA, new to the job, John Brennan — actually, it's his fifth full day; the director of the FBI, Bob Mueller, now nearly 12 years on the job, and who, barring another unforeseen intervention by the Congress, is appearing in his last worldwide threat hearing before this committee. But Bob, you never know.

The director of the Defense Intelligence Agency, Lieutenant General Michael Flynn; the director of the National Counterterrorism Center, Matt Olsen; and the assistant secretary of state for intelligence and research, Ambassador Phil Goldberg.

So welcome, all of you.

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".... I believe what NSA does is important for the nation; it is my role to ensure that its activities reflect its commitment to the rule of law; and I would like to help bridge a gap that has already become readily apparent in only ten months on the job: the gap between public discourse about NSA and the reality of the legal rules, oversight, and accountability that I see at work every day...."

Rajesh De, NSA General Counsel, Georgetown Law School, February 27, 2013.

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Remarks of Rajesh De, NSA General Counsel, Georgetown Law School

As prepared for Delivery

February 27, 2013

Thank you for the introduction and the opportunity to speak today at this distinguished event. I'd also like to extend my appreciation to the Georgetown Center on national Security and the law, as well as to the Journal of National Security Law & Policy for hosting this conference. I understand this is the first year the Journal has been co-sponsored by Georgetown law School and the Syracuse University Institute for National Security and Counterterrorism, after many years at the McGeorge School of law. It is a special pleasure to be hosted by a publication that was founded by a former General Counsel for the National Security Agency, Elizabeth Rindskopf Parker. I'd also like to specifically thank professor Carrie Cordero for graciously extending this opportunity to me and for coordinating this conference.

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NSA Compliance Director on Privacy Regulations

February 10, 2012

DefenseNews interview with John DeLong, the Compliance Director at the National Security Agency (PART 2).

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NSA Compliance Director on Privacy Regulations

February 10, 2012

DefenseNews interview with John DeLong, the Compliance Director at the National Security Agency (PART 1).

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“....Our core values, I hope you wouldn't be surprised, are respect for the law, honesty, integrity, and transparency. Those values are important to us, public servants, members of the NSA workforce, because each of us takes an oath of office to the Constitution, and the Constitution that we take an oath of office to is one, as you know, that speaks not simply to national security, but to all the values that we hold near and dear — privacy, civil liberties, the right to free speech.....”

NSA Deputy Director, John C. Inglis, Q&A on NSA/CSS Core Values

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Federal News Radio: NSA clears up misconceptions about compliance

June 12, 2012

"You may not be familiar with John DeLong, the National Security Agency's compliance director, but the work done in his office is extremely important to NSA's mission — so important that every new employee at the agency is briefed by a member of his staff when they join the team.

'The rules that we focus on are the ones that afford privacy protection to U.S. persons as we conduct the two big core missions of NSA - signals intelligence and information assurance.'

DeLong said in his [first-ever interview](#)."

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National Security Agency / Central Security Service Core Values

Q&A with NSA's Deputy Director, John C. Inglis

January 15, 2009

Hello, I'm Chris Inglis, the Deputy Director of the National Security Agency. Thank you for visiting with us on NSA.gov. I'd like to spend a moment talking about NSA's core values — core values that are important to us because, as federal servants, we know that at the end of the day, it's not simply important that we deliver something of value to the nation, but it's also very, very important that we've done it exactly the right way.

Our core values, I hope you wouldn't be surprised, are respect for the law, honesty, integrity, and transparency.

Those values are important to us, public servants, members of the NSA workforce, because each of us takes an oath of office to the Constitution, and the Constitution that we take an oath of office to is one, as you know, that speaks not simply to national security, but to all the values that we hold near and dear — privacy, civil liberties, the right to free speech.

All of those values are things that then govern the way we do our business as much as what we deliver at the end of the day. Because we're Americans too — we come from the same communities, we go to the same schools, we raise our families in the same communities that you live in. And what you care about, we do as well.

Q1. What is more important — civil liberties or national security?

I'm often asked the question, "What's more important — civil liberties or national security?" It's a false question; it's a false choice. At the end of the day, we must do both, and they are not irreconcilable. We have to find a way to ensure that we support the entirety of the Constitution — that was the intention of the framers of the Constitution, and that's what we do on a daily basis at the National Security Agency.

Q2. What does "compliance" mean?

The word compliance has many meanings, but at the National Security Agency, we try to effect that the following way: we first hire people who understand that lawfulness is a fundamental attribute. We ensure that the people that we bring enjoy the values that we hold near and dear. We then understand what the rules are that pertain to our business, and we try to master the spirit and the mechanics of those rules, in all of the procedures that we bring to bear.

We ensure that there's accountability, such that when people take certain actions, when they apply certain authorities, that, at the end of the day, there's a check and a balance on that, to make sure that it worked out exactly the way we intended. And then, as a matter of course, we report on our activities.

When, on occasion, we do make a mistake, we report that, and not simply to ourselves, but to those who oversee us, both within the Executive branch and the Legislative branch, and when necessary, to the courts themselves.

Q3. What does “respect for law” mean at NSA?

Respect for the law at NSA means that we understand both the spirit and mechanics of the law, and that we fully embody in our actions a respect for both.

Q4. Given the nature of today’s communications, how does NSA ensure that it is legally conducting its SIGINT mission?

Given the nature of today’s communications, the pervasive convergence we see in those communications, where everything is connected to everything, NSA has to ensure its compliance through a variety of mechanisms. We first work very hard to understand the nature of the telecommunications domain.

We also work very hard to understand what our explicit authorities are in traversing that domain in the hunt for foreign intelligence. And finally, we, from the moment we design our systems, to employing those systems, to sorting through, sifting through what we might get from those systems, ensure that at every step of the process we worry not simply about what we’ve obtained, but whether we had the authority to obtain it and whether we’ve treated it in exactly the right way.

Q5. What type of oversight is in place to make sure Agency employees don’t cross the line when it comes to the rights of US citizens?

The oversight that’s in place to make sure that the Agency does not cross the line, that it is entirely lawful in the conduct of its activities, is multifaceted and overlapping.

First we ensure that we hire employees that have a respect for the law. We don’t hire just anyone; we’re not simply after people who have technical competence; we want to make sure we hire people who enjoy our values, who will support fully the Constitution.

Second, we put procedures in place to ensure that people understand what the rules are and that there’s accountability to stay within those boundaries. Finally, we report our activities, not simply to ourselves but to overseers within the Executive branch, the Legislative branch, and when necessary, the Judicial branch, and so that there is a full transparency to all those who provide oversight, and we do enjoy a rich oversight at the National Security Agency.

Q6. What are the rules for retaining data on a US person?

So, (I’m) often asked the question about, “what are the rules for retaining data on a U.S. person.” I’ll answer that question, but the more interesting question is, “what are the rules that allow me to get that data in the first place?”

Those rules are very carefully constructed; we have to have explicit authority, not implied authority, but explicit authority to go after anything in cyberspace, and therefore, if I was to target communications, I need to make sure that I can trace that authority back to an explicit law or court warrant.

At that point, I have to make a decision as to whether this in fact was responsive to the explicit authority that I had; I may collect information that’s incidental to that. It may have seemed to me up front that I would get information responsive to my authority, but I didn’t. I have an obligation to purge that data, I have an obligation to not retain that data.

So that at the end of the day, those things that I’ve gone after I simply didn’t have the authority for, but it’s the authority plus... it played out just the way I had imagined, I got exactly what I was authorized to get, and I retain only that data.

Q7. How is NSA transparent?

(I’m) often asked the question about, “How is NSA transparent?” Some might read that question to be, “Does NSA put all of its secrets in the public domain?” Of course we don’t.

There are secrets we hold that you would want us to keep, secrets that the President should know, that people who stand in harm’s way should know, but that would be a danger if we released those to our adversaries.

But at the same time, we must remain transparent. And the way we do that is we ensure that there is external oversight that is rich - some might say pervasive – across the National Security Agency, and that we are fully responsive to helping them understand what we do, how we’ve done it, and what the results are.

And in that way, they then in turn can turn to the American public and say, “We know what they do, we know what resources they bring to bear, we know what authorities they bring to bear, and they have been transparent to those of us who have the authority and responsibility to ensure.”

Q8. What is NSA’s intelligence mission?

The United States, of course, has many organizations conducting intelligence. Sometimes those distinctions are based on the discipline that’s brought to bear, whether it’s human intelligence or imagery intelligence or, in our case, signals intelligence, and sometimes those distinctions are based upon the domain within which that intelligence work takes place.

NSA, of course, is a signals intelligence organization; we conduct intelligence by looking for the communications of our adversaries. The second, and very important, distinction is that NSA is a foreign intelligence organization.

The intelligence that we are authorized to collect, and that we report on, is intelligence that bears on foreign adversaries, foreign threats, more often than not, located therefore in foreign domains.

Via [NSA.gov](#)

Visit the NSA website for John Inglis’s video answers to the Q&A.

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